

**IN THE UNITED STATES BANKRUPTCY COURT  
EASTERN DISTRICT OF VIRGINIA  
Division**

**In re: Thaddeus & Ellen Lewis**

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**EXHIBIT "1" TO MOTION TO CONTINUE STAY AND  
MEMORANDUM IN SUPPORT THEREOF**

**JOINT AFFIDAVIT OF THADDEUS & ELLEN LEWIS**

BEFORE ME, the undersigned authority, personally appeared Thaddeus J. Lewis and Ellen S. Lewis, known to me, and upon their oaths, stated as follows:

1. Our names are Thaddeus J. Lewis and Ellen S. Lewis. We are above the age of 18 years, and competent to make this affidavit. We have personal knowledge of the facts set forth in this affidavit.
2. We reside at 3827 B Maidens Road, Richmond, VA 23225.
3. We have income from employment with Mechanicsville Concrete and Wal-Mart. Our income is stable, and we do not expect it to change in the future.
4. We are the debtors in the present bankruptcy case.
5. During the one (1) year prior to filing the present case, we were debtors in one (1) pending bankruptcy case that was dismissed.
6. The previous case was a Chapter 13 bankruptcy case filed on January 5, 2009, and dismissed on July 1, 2011 (Case No. 09-30039-KRH) (the "previous case"). In addition, Mrs. Lewis was the debtor in a Chapter 7 bankruptcy case filed on August 30, 2004 and discharged on December 13, 2004 (Case No. 04-38192-DOT).
7. The previous case was dismissed because of a payment default. We were unable to maintain our plan payments when our hours were reduced at work.
8. Since the dismissal of the previous case, we have experienced a significant positive change in our financial circumstances in that our wages have improved.
9. We believe that these changes in circumstances will enable us to successfully complete this bankruptcy case.
10. We have listed all of our assets and all of our debt and have fully and accurately disclosed all of our income and expenses in the Schedules in this case.

11. We will propose the following treatment of our creditors in our Chapter 13 Plan: HSBC Auto Finance will be paid the balance of its lien on our vehicle, Tidewater Finance will be repaid the value of its collateral; Wells Fargo will be repaid the value of the vehicle securing its lien. Our unsecured creditors will receive a reasonable dividend.

12. We are proposing to pay the Trustee all projected disposable income, \$635.00 per month, for a period of sixty (60) months.

13. After the dismissal of our previous case, we acted as fast as we reasonably could to retain a bankruptcy attorney to file this case for us because we want to use the bankruptcy system to resolve our debts.

14. Our debts arose as a result of ordinary living expenses. The credit card debt we have has accumulated over several years and is not the result of any purchases of luxury goods or services. We have also not incurred any unsecured debt due to revolving credit accounts or pay day loans within the 90 days prior to filing the instant case.

15. We desire to use the bankruptcy system to obtain a fresh start and have not been attempting to evade our responsibilities or delay our creditors' attempts to collect. In addition to repaying our creditors what we can afford and obtain a discharge of our indebtedness, the purpose of our bankruptcy filing is to retain our vehicles.

16. Our income is consistent and likely to remain so during this case. Our household expenses are not likely to change substantially. We believe we will be able to make our payments to the Trustee and meet our other obligations as they come due throughout this case.

WITNESS the following signatures and seals this 21st day of July, 2011.

/s/ Thaddeus J. Lewis (seal)  
Thaddeus J. Lewis

/s/ Ellen S. Lewis (seal)  
Ellen S. Lewis

CERTIFICATE OF ACKNOWLEDGMENT:  
Commonwealth of Virginia  
City of Richmond, to wit:

The foregoing instrument was acknowledged before me this 21st day of July,  
2011, by Thaddeus J. Lewis and Ellen S. Lewis.

My Commission Expires: 9/30/12

/s/ Andrew C. Rowe, Jr.  
Notary Public

352523  
Notary Registration Number